

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SEAN P. DOUGHERTY,

Plaintiff,

vs.

LEIDOS,

Defendant.

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Case No. 4:21CV1163 JCH

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Extension of Time and Motion for Appointment of Counsel, filed June 15, 2022. (ECF No. 30). There is no constitutional or statutory right to appointed counsel in a civil case. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, courts consider factors that include whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief, whether the plaintiff will substantially benefit from the appointment of counsel, whether there is a need to further investigate and present the facts related to the plaintiff's allegations, and whether the factual and legal issues presented by the action are complex. *See Battle v. Armontrout*, 902 F.2d 701, 702 (8th Cir. 1990); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

After considering Plaintiff's Motion for Appointment of Counsel in view of the relevant factors, the Court finds that the facts and legal issues presented in the instant case are not so complex as to warrant the appointment of counsel at this time. In addition, the pleadings filed by

Sean P. Dougherty indicate that he is capable of presenting the facts and legal issues without the assistance of counsel. Plaintiff's Motion for Appointment of Counsel will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel (ECF No. 30) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time (ECF No. 30) is **GRANTED**, and Plaintiff is granted until **Friday, July 15, 2022**, within which to respond to Defendant's Motion to Compel Discovery (ECF No. 17) and Defendant's Motion to Compel Plaintiff's Appearance at Deposition and Motion for Costs and Fees (ECF No. 27). Plaintiff's failure to do so will result in the dismissal of his Employment Discrimination Complaint without prejudice.

Dated this 16th Day of June, 2022.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE